

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

M.J.J.,

Plaintiff,

v.

POLK COUNTY SHERIFF'S DEPARTMENT,
DARRYL L. CHRISTENSEN,

Defendants.

Case #15-CV-433

ANSWER AND AFFIRMATIVE DEFENSES

Defendant, Darryl L. Christensen, by Martin J. De Vries of Sager & Colwin Law Offices, S.C., answers plaintiff's complaint as follows:

1. Answering paragraph 1, this paragraph is a legal conclusion with no factual material. Thus, defendant cannot respond. Defendant denies all liability.
2. Answering paragraph 2, is without knowledge or information sufficient to form a belief as to the truth of the allegations.
3. Answering paragraph 3, this paragraph is a legal conclusion with no factual material. Thus, defendant cannot respond. Defendant denies all liability.
4. Answering paragraph 4, admits.
5. Answering paragraph 5, admits.
6. Answering paragraph 6, is without knowledge or information sufficient to form a belief as to the truth of the allegations. In addition, the Fifth Amendment protects defendant from the necessity of responding.

7. Answering paragraph 7, is without knowledge or information sufficient to form a belief as to the truth of the allegations. In addition, the Fifth Amendment protects defendant from the necessity of responding.

8. Answering paragraph 8, is without knowledge or information sufficient to form a belief as to the truth of the allegations. In addition, the Fifth Amendment protects defendant from the necessity of responding.

9. Answering paragraph 9, is without knowledge or information sufficient to form a belief as to the truth of the allegations. In addition, the Fifth Amendment protects defendant from the necessity of responding.

10. Answering paragraph 10, incorporates herein answers to paragraphs 1 through 9 of the complaint.

11. Answering paragraph 11, denies.

12. Answering paragraph 12, denies.

13. Answering paragraph 13, denies.

14. Answering paragraph 14, denies.

15. Answering paragraph 15, denies.

16. Answering paragraph 16, denies.

17. Answering paragraph 17, incorporates herein answers to paragraphs 1 through 16 of the complaint.

18. Answering paragraph 18, denies.

19. Answering paragraph 19, denies.

20. Answering paragraph 20, is without knowledge or information sufficient to form a belief as to the truth of the allegations.

21. Answering paragraph 21, is without knowledge or information sufficient to form a belief as to the truth of the allegations.

22. Answering paragraph 22, is without knowledge or information sufficient to form a belief as to the truth of the allegations.

23. Answering paragraph 23, is without knowledge or information sufficient to form a belief as to the truth of the allegations.

24. Answering paragraph 24, is without knowledge or information sufficient to form a belief as to the truth of the allegations.

AFFIRMATIVE DEFENSES

As and for affirmative defenses to plaintiff's complaint, defendant Darryl L. Christensen submits the following:

25. Defendant is entitled to immunity from liability and suit pursuant to the doctrine of qualified immunity.

26. Plaintiff's claims are barred by *Parratt v. Taylor*, 451 U.S. 521 (1981).

27. Plaintiff has not alleged facts sufficient to support punitive damages.

28. Plaintiff may have failed to mitigate damages.

29. Plaintiff's complaint fails to state a claim upon which relief can be granted.

30. Some or all of plaintiff's claims may be barred by the statute of limitations.

31. Plaintiff failed to exhaust administrative remedies.
32. Plaintiff's claims are barred or limited by the provisions of 42 U.S.C. § 1997e(e) injury requirement.

Dated at Fond du Lac, Wisconsin, this 18th day of August, 2015.

SAGER & COLWIN LAW OFFICES, S.C.
Attorneys for Defendant,
Darryl L. Christensen

/s/ Martin J. De Vries

Martin J. De Vries
State Bar #1032279

SAGER & COLWIN LAW OFFICES, S.C.
201 South Marr Street
P. O. Box 2068
Fond du Lac, Wisconsin 54936-2068
(290) 921-1320